



Stormwater Needs Assessment Project

Fairfax County Stormwater Advisory Committee
Stormwater Needs Assessment Project
Meeting #3
November 9, 2004, 7 – 9 p.m.
Fairfax County Government Center
Rooms 4 and 5

Meeting Minutes

In Attendance:

Stormwater Advisory Committee:

Kimberly Davis	Jessica Fleming	Lewis Rauch
Robert Jordan	Robert McLaren	Sally Ormsby
Greg Prelewicz	Michael Rolband	Christopher Champagne
Omar Kader	Jeanette Stewart	Larry Butler

Consultants:

Jean Haggerty
Doug Moseley
Curt Ostrodka

County Staff:

Jimmie Jenkins
Marlae Schnare
Fred Rose
Danielle Derwin
Debra Bianchi

Paul Shirey
Krystal Kearns
Scott St. Clair
Tanya Amrhein

Meeting Agenda

1. Welcome and Introductions
2. Review of Agenda
3. Level and Extent of Service
4. Program Priorities

Welcome and Introductions

Jimmie Jenkins, Director of the Department of Public Works and Environmental Services, opened the meeting with a welcome message for the committee members and reiterated the County's thanks for their service.

Review of Agenda

Mr. Moseley offered a brief overview of the meeting's agenda and asked the committee for any comments on the previous meeting's minutes. He clarified a question about the list of responsibilities of the Maintenance and Stormwater Management Division (MSMD) by noting that this is the list that was shown on a slide in the previous presentation by Mr. St. Clair at the previous meeting. Mr. Moseley also noted that Wetlands Permitting section in the *Background on County Water Resource Mandates* paper would be revised



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and recirculated to the committee with some clarifications provided by one of the committee members.

In reviewing the evening's agenda, Mr. Moseley emphasized to the committee that their primary purpose is to develop a **policy statement** on the level and extent of stormwater service that will be presented to the Board of Supervisors. That leads to a discussion on the County's stormwater service program priorities for stormwater service, which is the second major item on the agenda.

Level and Extent of Service

Ms. Haggerty provided an overview of the *Level and Extent of Service* draft policy statement. The committee discussed the issue of operations and maintenance of various components of the drainage infrastructure and identified the disparities between the levels of service provided by the County and by the Virginia Department of Transportation (VDOT) as a concern. The committee noted that VDOT primarily uses dry ponds for stormwater management, which provide few water quality benefits. Many of the ponds capture small drainage basins and are required to have a minimum 3" orifice, which, based on impoundment size, does not detain water long enough to allow infiltration. The committee agreed that when the County and VDOT build roads jointly, they should be built to the County's stormwater management standards. The committee noted the optimal option of reaching an agreement with VDOT to use County standards for all future roads built by VDOT, but also noted that VDOT cannot bend to a myriad of different standards throughout the state, so it is therefore important to carefully select those issues where partnerships may be possible. Furthermore, they stated that VDOT should be encouraged to use Low Impact Development (LID) practices, or to retrofit existing facilities to improve and enhance the current level of stormwater service. The group supported an idea to contribute Fairfax County funds to VDOT projects when those projects meet County standards.

The committee stated that the policy statement should include more proactive language in regards to the use of LID. They suggested that the County "should include LID where possible."

The committee discussed the ongoing County effort to develop a "Stream Quality Index" metric to measure the progress on improving water quality and stream health. The index will provide a baseline and set goals for improvement. The committee supported the use of the index, and stated that the utility fee should be used to keep the index up to date.

The committee agreed that private owners should retain the option to perform maintenance on private stormwater facilities. The committee then discussed ideas of the best way to ensure proper operation and maintenance of the County's stormwater management infrastructure and BMPs. The group agreed that if a private owner maintains a stormwater maintenance facility, then that owner should receive a credit that would be applied toward a utility fee. The group noted that some facility owners may be willing to maintain a private facility, but may lack the resources to do so while others may simply wish to have the County provide maintenance services. The group agreed that private ponds will require County inspection to determine their functional status, and that it is important to develop a consistent standard for inspections. If a private facility is



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inspected by the County and determined to be non-functional, the owner will not receive a credit against a stormwater service fee. Facility owners who want the County to provide maintenance services will need to provide the County an access easement to the facility.

The committee noted that the County currently has difficulty maintaining the 1,100 public facilities for which it is currently responsible. If the County were to assume maintenance responsibility for all facilities, be they public or private that would add another 2,200 private facilities to the County's active service responsibilities. At present, "public" ponds include residential dry ponds, Homeowner Association dry ponds (if the County has an easement), and regional ponds only. Private ponds are residential wet ponds and all other ponds, including commercial and industrial stormwater ponds. The group agreed that a more moderate, "phased-in" approach would be the best way to provide maintenance for all facilities in the County. They noted that the County would face cost and liability issues if it provided maintenance to private facilities; the pros and cons of such a policy should be included in the policy statement.

The group noted that requirements for public easements on private facilities might deter private owners from allowing the County to perform maintenance. They suggested a survey of a representative sample of private facility owners to determine needs and expectations. They noted that maintenance standards vary for public and private facilities. Credits under a user-fee strategy will be provided only if proper maintenance is performed. It was suggested that all new private facilities be required to provide public easements.

The committee suggested that maintenance agreements be amended to account for water quality. The committee agreed that a goal for the policy statement should be to have all facilities functioning properly and requested more information on potential credits to be granted to large commercial properties under a user-fee funding strategy.

Ms. Haggerty noted that utility credit systems are generally based on the resources that the County saves by not having to provide service. Credits are also generally based upon the function of the facility generating the credit (i.e. BMPs that improve water quality may be eligible for more credits than facilities that do not provide similar benefits). Mr. Moseley stated that the committee will have the opportunity to explore a potential credit structure and the fiscal impact of providing credits at a future meeting during discussion of funding options.

The committee noted that countywide maintenance of private ponds should be phased in over time and that the facilities posing the greatest risk should be addressed first. Mr. Jenkins suggested that the program should include an ordinance that states all private ponds must be functioning correctly. He also suggested that private owners who want to maintain their facility should have maintenance standards specifically written into the ordinance. Mr. Moseley noted that many private ponds provide multiple services, such as landscaping/aesthetic qualities and recreation (stocked for fish, etc.), and as such, the County will need to define the functions designated for County service.

The committee asked for clarification on the correct flow rate and frequency of storm that the Public Facility Manual requires for the County to provide maintenance service at



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residential properties. AMEC agreed to clarify this question. The committee agreed that lot sizes are highly variable, and that lots are not an appropriate metric for determining if the County should provide maintenance service.

The committee also discussed methods for disseminating information to the public on the programs necessary to make improvements to system performance, stream health and public safety. They noted that while some residents are aware that several County streams are unhealthy and need restoration, the majority of residents do not know what stormwater management is and why it is important. Mr. Moseley stated that the program will include a tremendous public outreach campaign to both determine, as well as manage, citizen expectations, noting what is achievable and a timeframe for those achievements.

Program Priorities

Mr. Moseley provided an overview of the *Stormwater Program* discussion paper and asked the committee to discuss the stormwater priorities in Fairfax County. The group agreed that public outreach is critically important. As discussed previously, not all residents of the County realize that stormwater runoff is a problem. Many residents still may only view stormwater as a quantity issue, wanting to convey stormwater off their property as quickly as possible.

The group agreed that the first priority should be to secure a dedicated funding source for stormwater management. They discussed amending the development review process criteria that affect the program priorities, such as providing a way to integrate LID into new developments. Committee members noted that there is much community interest in LID, and that the County should investigate alternatives under the user-fee funding option that may provide for a stormwater fee credit for homeowners with LID facilities. Mr. Jenkins stated that the Board of Supervisors will make the final policy decision on the use of LID.

The committee also discussed how to frame the County's stormwater management goals utilizing a dateline rather than simply noting a timeline horizon. The committee noted that if the County set priorities over the coming decades, using the years 2010 and 2020 as benchmarks to measure improvements, those time representations (in actual years rather than just saying in the next 20 years...) seem more realistic and measurable, especially in terms of capital project implementation and backlog reduction. They agreed that they should target "low hanging fruit" to demonstrate early successes, as well as select projects that will provide the highest benefits at the lowest costs. The committee agreed that the protection of public health and safety is an overarching goal of the program.

The committee discussed the watershed plans and if they should be implemented before addressing the capital backlog and the rehabilitation of existing facilities. Mr. Shirey noted that the watershed plans are included the capital backlog estimate presented to the Committee. The committee noted that the watershed plans have many non-structural aspects, such as regulatory compliance and public education. Mr. Jenkins stated that the County will prioritize the proposed project actions in the watershed plans but that not all of them may be implemented.



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The committee then revisited the discussion of how the County should work with private facility owners who are willing to provide maintenance but lack the resources to do so. Among the suggestions provided was the establishment of a low-interest, revolving loan fund. While the committee agreed that case-by-case negotiations may be necessary to meet minimum public health and safety standards, they also recognized that even case-by-case negotiation will require the establishment of baseline standards so as to avoid any inequitable application of programming.

Mr. Jenkins stated that the Board of Supervisors will likely request a preliminary magnitude of costs if the County is to take over maintenance of all private facilities. Mr. Moseley noted that should the County choose to fund the stormwater program through a user-fee, the utility fee structure is flexible and can change over time to reflect the program priorities as they evolve. Ms. Haggerty stated that the initial program must be developed before policy for a user-fee can be developed such as the rate structure. Mr. Moseley also reiterated that one of the purposes of this Stormwater Advisory Committee is to test the initial conclusions of the July 2004 Community Needs Assessment and Funding Options study.

The meeting adjourned at 9:05 PM.

Next Meeting

The next meeting of the Fairfax County Stormwater Advisory Committee will be held on December 14, 2004 at 7 P.M. in the Fairfax County Herry Building.